

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JASMINE C. LEWIS,

Plaintiff,

v.

Case No. 10-CV-126

ALAN D. EISENBERG and
JAMES M. ZARZYNSKI,

Defendants.

ORDER

On February 16, 2010, plaintiff Jasmine C. Lewis, who is proceeding pro se, commenced this action alleging negligence, malpractice, and breach of fiduciary duty by the defendants during their representation of the plaintiff in a prior legal matter. The plaintiff paid the appropriate filing fee, and the parties subsequently consented to United States magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c) and Civil Local Rule 73.1 (E.D. Wis.).

On March 10, 2010, defendants Alan D. Eisenberg and James M. Zarzynski filed a motion to dismiss for lack of jurisdiction, with an accompanying memorandum of law. The court records indicate that a copy of the motion and supporting memorandum of law were mailed to the plaintiff on the same date. Under the applicable procedural rules, the plaintiff's response to that motion should have been filed on or before March 31, 2010. The court records show that the plaintiff did not file any response to the motion.

Briefing schedules are set forth in Civil Local Rule 7 (E.D. Wis.). The parties are expected to comply with the procedures and dates specified in the rule without involvement of the court. Although the plaintiff did not file a timely response, the court will allow her to file a

response to such motion on or before May 24, 2010. The plaintiff is reminded that she is required to serve a copy of all submissions in her case on opposing counsel.

The plaintiff is hereby advised that if she fails to file any response to the defendants' motion by May 24, 2010, her action may be dismissed with prejudice for lack of diligence in prosecuting this action pursuant to Civil Local Rule 41(c) (E.D. Wis.) (copy enclosed).

NOW, THEREFORE, IT IS ORDERED that the plaintiff's responsive brief to the defendants' motion to dismiss shall be filed no later than **May 24, 2010**. A copy of the brief also must be served upon counsel for the defendant.

IT IS FURTHER ORDERED that the defendants' reply brief shall be filed no later than **June 7, 2010**.

Dated at Milwaukee, Wisconsin this 22nd day of April, 2010.

BY THE COURT:

s/Patricia J. Gorence

PATRICIA J. GORENCE
United States Magistrate Judge

Civil L. R. 41. Dismissal of Actions.

(c) Dismissal for Lack of Diligence. Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party may petition for reinstatement of the action within 21 days.